



March 20, 2009

ENGROSSED HOUSE BILL No. 1331

DIGEST OF HB 1331 (Updated March 18, 2009 3:16 pm - DI 87)

Citations Affected: IC 36-8; IC 36-9.

Synopsis: Body armor for police officers. Provides that a city, county, or town (unit) shall provide an active member of the police department of the unit with body armor for the torso (armor). Requires a unit to replace armor according to the replacement period recommended by the manufacturer of the armor. Makes technical corrections. Makes a conforming amendment. Provides that a unit cumulative capital improvement fund may be used to purchase body armor for active members of a police department.

Effective: July 1, 2009.

Lawson L, Tincher, Barnes, Soliday
(SENATE SPONSORS — WYSS, ARNOLD)

January 13, 2009, read first time and referred to Committee on Veterans Affairs and Public Safety.

January 26, 2009, reported — Do Pass.

February 2, 2009, read second time, amended, ordered engrossed.

February 3, 2009, engrossed. Read third time, passed. Yeas 83, nays 11.

SENATE ACTION

February 19, 2009, read first time and referred to Committee on Local Government.

March 19, 2009, reported favorably — Do Pass.

C
o
p
y

EH 1331—LS 7192/DI 96+



March 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1331

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-8-4-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A city shall provide the active
3 members of the police and fire departments with all uniforms, clothing,
4 arms, and equipment necessary to perform their duties. **Except as**
5 **provided in section 4.5 of this chapter**, after one (1) year of regular
6 service in either department, a member may be required by the city to
7 furnish and maintain all of ~~his~~ **the active member's** uniforms, clothing,
8 arms, and equipment upon payment to the member by the city of an
9 annual cash allowance of at least two hundred dollars (\$200). The city
10 may credit the uniform allowance to each member against ~~his~~ **the**
11 **active member's** purchases during the calendar year and provide for
12 the payment of any cash balance remaining at the end of the calendar
13 year.
14 (b) All uniforms, clothing, arms, and equipment provided by the city
15 under this section remain the property of the city. The city may sell the
16 property when it becomes unfit for use, and all money received shall be
17 paid into the general fund of the city. Any property lost or destroyed

EH 1331—LS 7192/DI 96+



C
o
p
y

1 through the carelessness or neglect of ~~an~~ **an active** member shall be
 2 charged against the **active** member and the value deducted from ~~his~~ **the**
 3 **active member's** pay.

4 SECTION 2. IC 36-8-4-4.5 IS ADDED TO THE INDIANA CODE
 5 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2009]: Sec. 4.5. (a) As used in this section, "body armor" has the
 7 meaning set forth in IC 35-47-5-13(a).

8 (b) After December 31, 2009, a unit shall provide an active
 9 member of the police department of the unit with body armor for
 10 the torso. The unit shall replace the body armor for the torso
 11 according to the replacement period recommended by the
 12 manufacturer of the body armor for the torso.

13 (c) An active member of the police department of a unit shall
 14 not be required to maintain the body armor for the torso furnished
 15 under this section from any annual cash allowance paid to the
 16 member under section 4(a) of this chapter.

17 (d) Body armor for the torso provided by a unit under this
 18 section remains the property of the unit. The unit may sell the
 19 property when it becomes unfit for use, and all money received
 20 shall be paid into the general fund of the unit.

21 SECTION 3. IC 36-9-16-2 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A unit may
 23 establish a cumulative building or sinking fund or cumulative capital
 24 improvement funds to provide money for one (1) or more of the
 25 following purposes:

26 (1) To purchase, construct, equip, and maintain buildings for
 27 public purposes.

28 (2) To acquire the land, and any improvements on it, that are
 29 necessary for the construction of public buildings.

30 (3) To demolish any improvements on land acquired under this
 31 section, and to level, grade, and prepare the land for the
 32 construction of a public building.

33 (4) To acquire land or rights-of-way to be used as a public way or
 34 other means of ingress or egress to land acquired for the
 35 construction of a public building.

36 (5) To improve or construct any public way or other means of
 37 ingress or egress to land acquired for the construction of a public
 38 building.

39 (b) In addition to the purposes described in subsection (a), a
 40 cumulative capital improvement fund may be used to purchase
 41 body armor (as defined in IC 36-8-4-4.5(a)) for active members of
 42 a police department.

C
o
p
y



SECTION 4. IC 36-9-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. A unit may establish cumulative capital improvement funds to provide money for one (1) or more of the following purposes:

(1) To acquire land or rights-of-way to be used for public ways or sidewalks.

(2) To construct and maintain public ways or sidewalks.

(3) To acquire land or rights-of-way for the construction of sanitary or storm sewers, or both.

(4) To construct and maintain sanitary or storm sewers, or both.

(5) To acquire, by purchase or lease, or to pay all or part of the purchase price of a utility.

(6) To purchase or lease land, buildings, or rights-of-way for the use of any utility that is acquired or operated by the unit.

(7) To purchase or acquire land, with or without buildings, for park or recreation purposes.

(8) To purchase, lease, or pay all or part of the purchase price of motor vehicles for the use of the police or fire department, or both, including ambulances and firefighting vehicles with the necessary equipment, ladders, and hoses.

(9) To retire in whole or in part any general obligation bonds of the unit that were issued for the purpose of acquiring or constructing improvements or properties that would qualify for the use of cumulative capital improvement funds.

(10) To purchase or lease equipment and other nonconsumable personal property needed by the unit for any public transportation use.

(11) In a county or a consolidated city, to purchase or lease equipment to be used to illuminate a public way or sidewalk.

(12) The fund may be used for any of the following purposes:

(A) To purchase, lease, upgrade, maintain, or repair one (1) or more of the following:

(i) Computer hardware.

(ii) Computer software.

(iii) Wiring and computer networks.

(iv) Communication access systems used to connect with computer networks or electronic gateways.

(B) To pay for the services of full-time or part-time computer maintenance employees.

(C) To conduct nonrecurring inservice technology training of unit employees.

(13) To purchase body armor (as defined in IC 36-8-4-4.5(a))

C
o
p
y



1 **for active members of a police department.**

**c
o
p
y**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1331, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

TINCHER, Chair

Committee Vote: yeas 8, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1331 be amended to read as follows:

Page 2, after line 20, begin a new paragraph and insert:

"SECTION 3. IC 36-9-16-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. **(a)** A unit may establish a cumulative building or sinking fund or cumulative capital improvement funds to provide money for one (1) or more of the following purposes:

- (1) To purchase, construct, equip, and maintain buildings for public purposes.
- (2) To acquire the land, and any improvements on it, that are necessary for the construction of public buildings.
- (3) To demolish any improvements on land acquired under this section, and to level, grade, and prepare the land for the construction of a public building.
- (4) To acquire land or rights-of-way to be used as a public way or other means of ingress or egress to land acquired for the construction of a public building.
- (5) To improve or construct any public way or other means of ingress or egress to land acquired for the construction of a public building.

(b) In addition to the purposes described in subsection (a), a cumulative capital improvement fund may be used to purchase body armor (as defined in IC 36-8-4-4.5(a)) for active members of a police department.

SECTION 4. IC 36-9-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. A unit may establish cumulative capital improvement funds to provide money for one (1) or more of the following purposes:

C
O
P
Y

EH 1331—LS 7192/DI 96+



- (1) To acquire land or rights-of-way to be used for public ways or sidewalks.
- (2) To construct and maintain public ways or sidewalks.
- (3) To acquire land or rights-of-way for the construction of sanitary or storm sewers, or both.
- (4) To construct and maintain sanitary or storm sewers, or both.
- (5) To acquire, by purchase or lease, or to pay all or part of the purchase price of a utility.
- (6) To purchase or lease land, buildings, or rights-of-way for the use of any utility that is acquired or operated by the unit.
- (7) To purchase or acquire land, with or without buildings, for park or recreation purposes.
- (8) To purchase, lease, or pay all or part of the purchase price of motor vehicles for the use of the police or fire department, or both, including ambulances and firefighting vehicles with the necessary equipment, ladders, and hoses.
- (9) To retire in whole or in part any general obligation bonds of the unit that were issued for the purpose of acquiring or constructing improvements or properties that would qualify for the use of cumulative capital improvement funds.
- (10) To purchase or lease equipment and other nonconsumable personal property needed by the unit for any public transportation use.
- (11) In a county or a consolidated city, to purchase or lease equipment to be used to illuminate a public way or sidewalk.
- (12) The fund may be used for any of the following purposes:
 - (A) To purchase, lease, upgrade, maintain, or repair one (1) or more of the following:
 - (i) Computer hardware.
 - (ii) Computer software.
 - (iii) Wiring and computer networks.
 - (iv) Communication access systems used to connect with computer networks or electronic gateways.
 - (B) To pay for the services of full-time or part-time computer maintenance employees.
 - (C) To conduct nonrecurring inservice technology training of unit employees.
- (13) To purchase body armor (as defined in IC 36-8-4-4.5(a)) for active members of a police department."**

(Reference is to HB 1331 as printed January 27, 2009.)

RUPPEL

EH 1331—LS 7192/DI 96+



C
o
p
y

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1331, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1331 as reprinted February 3, 2009.)

LAWSON C, Chairperson

Committee Vote: Yeas 10, Nays 0.

**C
o
p
y**

